utes late, and thereby is unable to keep his engagement, cannot recover from the carrier his loss occasioned thereby, though he may have made known to the carrier's agent his engagement, and may have been told that the train would arrive on time. The carrier's obligation to run its train in conformity to schedule is not an absolute and unconditional one, and the mere taking of a ticket does not of itself prove a contract or impose the duty to have a train ready to start as scheduled. Furthermore, a ticket agent cannot make a special contract that a train will arrive on time.

Trained Nurse Not a Servant.—A trained nurse performing her usual duties, and exercising the skill which is the result of training in her profession, does not, according to the decision of the United States Circuit Court for the District of Rhode Island, in Parkes *v.* Seasongood, 152 Federal Reporter, 583, come within the definition of a "servant," but rather is one who renders personal services to an employer in an independent calling.

Civil Judgment as Evidence in Prosecution for Embezzlement.—A nice point as to the admissibility of evidence is decided by the Texas Court of Criminal Appeals in Busby *v.* State, 103 Southwestern Reporter, 638. This was a prosecution for embezzlement of state funds by an employee of the state. Prior to the trial of the criminal case, the state had obtained a judgment in a civil action by it against accused and his bondsmen. This judgment was admitted in evidence against accused in the criminal case. On the original hearing the court held that the judgment was admissible, but on rehearing it arrives at a different conclusion; Judge Brooks, however, dissenting. As principal authorities for the decision on rehearing, the court cites Queen *v.* Mareau, 11 A. & E. 128; Britton *v.* State, 77 Ala. 202.

Stare Decisis.—A case forcibly illustrating the legislative department's reluctance to remedy defects in the law disclosed by judicial decisions is that of People *v.* Tomplins, 79 Northeastern Reporter, 326. In this case the Court of Appeals of New York reaffirms the doctrine of McCord *v.* People, 46 New York, 470, that a prosecution for larceny by false pretenses cannot be sustained where the person parting with his property or money does so for any legal purposes. The court admits that the weight of authority is to the contrary, but feels bound to follow the doctrine as settled by the earlier decision, the duty of making a change resting with the Legislature, and says that to change the existing rule would, in effect, be enacting an ex post facto law.